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11 Attorneys for Defendants
12 IMPAX LABORATORIES, INC., LARRY HSU,
ARTHUR A. KOCH and BRYAN M. REASONS

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DENIS MULLIGAN, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

IMPAX LABORATORIES, INC., LARRY
HSU, ARTHUR A. KOCH and BRYAN M.
REASONS

Defendants.

Case No.: 13-cv-01037-EMC

**STIPULATION AND [PROPOSED]
SCHEDULING AND RESCHEDULING
INITIAL CASE MANAGEMENT
CONFERENCE ORDER**

Class Action

1 Plaintiff Denis Mulligan, individually and on behalf of all others similarly situated, by
 2 and through his respective counsel (“Plaintiff”), and defendants Impax Laboratories, Inc., Larry
 3 Hsu, Arthur A. Koch, and Bryan M. Reasons, by and through their respective counsel,
 4 (collectively, “Defendants”), hereby stipulate to the following:

5 WHEREAS, on March 7, 2013, Plaintiff filed a complaint captioned *Denis Mulligan v.*
 6 *Impax Laboratories, Inc. et al.*, No. 13-cv-01037, a purported class action under the Private
 7 Securities Litigation Reform Act of 1995 (the “PSLRA”) alleging securities fraud, which was
 8 assigned to Judge Edward M. Chen;

9 WHEREAS, pursuant to the March 7, 2013 Case Management Conference Order, the
 10 Initial Case Management Conference is scheduled for June 6, 2013;

11 WHEREAS, the Complaint asserts claims under the federal securities laws that are
 12 subject to the procedural requirements of the PSLRA, including those set forth in 15 U.S.C. §
 13 78u-4;

14 WHEREAS, Defendants presently intend to file a motion to dismiss, which would trigger
 15 a stay of discovery under the PSLRA, 15 U.S.C. § 78u-4(b)(3)(B);

16 WHEREAS, under the PSLRA, the Court may come to consider consolidation of the
 17 complaint already filed, along with any further complaints that may be filed arising out of the
 18 same set of facts and circumstances as the existing complaint;

19 WHEREAS, motions for appointment of lead plaintiff and lead counsel pursuant to the
 20 PSLRA, 15 U.S.C. § 78u-4(a)(3) will be filed with the Court;

21 WHEREAS, in order to avoid the unnecessary expenditure of judicial resources or effort
 22 by the parties to this action and the Court prior to filing of the motion(s) for appointment of Lead
 23 Plaintiff, the parties to this action have agreed, in the interim prior to the appointment of Lead
 24 Plaintiff and subject to the Court’s approval, to the continuance of the Initial Case Management
 25 Conference and an extension of time for Defendants to respond to the Complaint or any
 26 superseding Complaint; and

27 WHEREAS, this Stipulation and Order is without prejudice to, or waiver of, any rights,
 28 arguments, or defenses otherwise available to the parties to this action, including, but not limited

1 to, the right to revisit the timing of the below-referenced pleadings and motions once Lead
 2 Counsel has been designated by the Court.

3 NOW THEREFORE, the undersigned parties, by and through their counsel of record,
 4 stipulate as follows:

- 5 1. Defendants shall have no obligation to respond to the Complaint filed in the
 6 above-captioned action;
- 7 2. Lead Plaintiff(s) shall have sixty (60) days after entry of an order appointing Lead
 8 Plaintiff(s) to file and serve a consolidated or amended complaint (“Consolidated
 9 or Amended Complaint”) or to notify Defendants that they shall be proceeding on
 10 the original Complaint;
- 11 3. Defendants shall file and serve any answer or other response within sixty (60)
 12 days of service of the Consolidated or Amended Complaint or after notification
 13 by the Lead Plaintiff(s) that they shall be proceeding on the original Complaint;
- 14 4. Lead Plaintiff(s) shall file and serve any opposition to Defendants’ motion to
 15 dismiss within forty-five (45) days of service of the motion to dismiss;
- 16 5. Defendants shall file and serve a reply brief in support of the motion to dismiss
 17 within thirty (30) days of service of any opposition brief;
- 18 6. Oral argument on Defendants’ motion to dismiss will be held at such date and
 19 time as the parties shall agree upon prior to filing the motion to dismiss, or on
 20 such other date and time as the Court shall order;
- 21 7. Defendants agree to waive service of process to the extent that service has not
 22 been effected on all Defendants. This stipulation shall not be deemed to waive
 23 any defense other than as to the sufficiency of service of process;
- 24 8. The parties agree that discovery in the above-captioned action shall be stayed
 25 pursuant to the Private Securities Litigation Reform Act, 15 U.S.C. § 78u-
 26 4(b)(3)(B), until the Court issues an order resolving Defendants’ motion to
 27 dismiss. This does not preclude Lead Plaintiff from issuing requests that the
 28 Defendants undertake efforts to preserve relevant documents; and

1 9. In light of the stay of discovery, the Initial Case Management Conference,
2 currently scheduled for June 6, 2013, is continued until after the Defendants file
3 an answer, following any ruling denying Defendants' motion to dismiss in whole
4 or in part.

5
6 DATED: April 22, 2013

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8 **ROBBINS GELLER RUDMAN**
9 **& DOWD LLP**

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2 *Counsel for Plaintiff Denis Mulligan*

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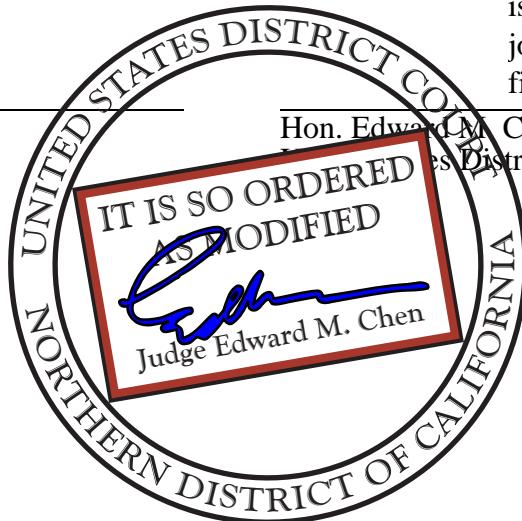
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1 PURSUANT TO STIPULATION, IT IS SO ORDERED.

2 DATED: 4/25/13



The Case management conference is reset for 11/7/13 at 9:00 a.m. A joint CMC statement shall be filed by 10/31/13.

Hon. Edward M. Chen
District Court Judge

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SIGNATURE ATTESTATION

I am the ECF User whose identification and password are being used to file the foregoing Stipulation and [Proposed] Scheduling and Rescheduling Initial Case Management Conference Order. Pursuant to General Order No. 45, Section X(B) regarding signatures, I, Peter A. Wald, attest that concurrence in the filing of this document has been obtained.

DATED: APRIL 22, 2013

/s/ Peter A. Wald
Peter A. Wald (Bar No. 85705)